

4-209A. Order for service of process by publication in a newspaper.

[For use with Rule 1-004 NMRA in the District Court]

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____, Plaintiff

v.

No. _____

_____, Defendant

**ORDER FOR SERVICE OF PROCESS¹
BY PUBLICATION IN A NEWSPAPER**

[Plaintiff] [Petitioner] has filed a motion requesting that the court approve service of process upon _____ (*name of each person to be served*) by publication in a newspaper of general circulation.

The court finds that the [plaintiff] [petitioner] has made diligent efforts to make personal service, but has not been able to complete service of process. The last known address of _____ (*name of person to be served*) is _____.

The court further finds that the newspaper of general circulation in this county is _____ (*name of newspaper*) [and that this newspaper is most likely to give the defendant notice of the pendency of the action]¹ [and in the county of _____, State of _____, a newspaper most likely to give notice of the pendency of this proceeding to the

person to be served is: _____ (*name of newspaper*).

THEREFORE, IT IS HEREBY ORDERED that the petitioner serve process on _____ by publication once a week for three consecutive weeks in the _____ (*newspaper*) [and one a week for three consecutive weeks in _____ (*newspaper*) in _____ (*county*)]¹. The [plaintiff] [petitioner] shall file a proof of service with a copy of the affidavit of publication when service has been completed.

Dated this ____ day of _____, ____.

District Judge

USE NOTE

1. Use applicable alternative. Unless the newspaper of general circulation in the county where the action is pending is most likely to give notice of the pendency of the action to the person to be served, the notice must also be published in a newspaper of general circulation in the county where the person to be served is most likely to get notice.

[Approved by Supreme Court Order No. 05-8300-01, effective March 1, 2005.]